

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 314 - HB 1225**

March 16, 2009

**SUMMARY OF BILL:** Creates a Class A misdemeanor for a person who is subject to an order of protection knowingly to fail to surrender all firearms possessed and to fail to disclose all information or to provide false information pertaining to any firearm possessed to local law enforcement, or to purchase or attempt to own a firearm. Each violation shall be considered a separate offense. If violation also constitutes a violation of an order of protection or unlawful possession of a weapon, the person may be charged and convicted under any or all violations. Requires law enforcement to store the firearms for the period during which the order of protection is in effect and authorizes law enforcement to charge a storage fee to offset the cost. All fees owed must be paid prior to the authorized return of any firearms. Requires a person convicted of domestic assault to surrender all firearms possessed. Such person is not eligible to petition for the return of any firearm surrender under this legislation.

Creates a Class A misdemeanor for a person to possess a firearm who has been convicted of a misdemeanor crime of domestic violence, is subject to an order of protection and is prohibited from owning a firearm, and is prohibited from owning, receiving, or purchasing a firearm under any other provision of state or federal law. Requires suspension or revocation of a handgun carry permit if a person has been convicted of domestic assault, any misdemeanor crime of domestic violence, or is subject to a current order of protection. Requires the Administrative Office of the Courts (AOC) to revise the order of protection forms on the Web site to advise that if an order of protection is granted, the respondent has 24 hours to surrender all firearms, the respondent must bring a complete list of firearms in the person's possession to the hearing, and that it is a crime for a person subject to an order of protection to possess, own, carry, or purchase a firearm while such order is in effect.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – Not Significant**

**Increase State Expenditures – Not Significant**

**Increase Local Revenue – Exceeds \$100,000**

**Increase Local Expenditures – Exceeds \$100,000\***

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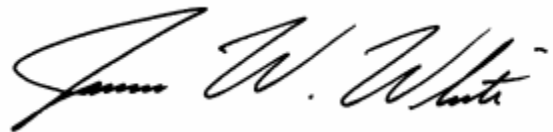
Assumptions:

- According to AOC, there has been an average of 7,191 filings for orders of protection in chancery or circuit court in each of the past three years. State court filings are 10 percent of the total filings. Total filings, including general sessions courts, are estimated to be an average of 71,910 per year.
- The creation of new Class A misdemeanors will result in recurring increased expenditures for local government for storage of firearms. The increase in costs will be offset by storage fees. Local government revenue and expenditures are estimated to increase by an amount exceeding \$100,000 statewide.
- The District Attorneys General Conference and the District Public Defenders Conference may need additional assistant district attorney (ADA) and assistant public defender (APD) positions to handle the increased workload. The bill does not authorize additional ADA or APD positions. Additional ADA or APD positions cannot be created or funded absent statutory authorization.
- Any impact on the state trial court system can be accommodated within existing resources.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc